



DEFENSE HEALTH AGENCY
NATIONAL CAPITAL REGION MEDICAL DIRECTORATE
8955 WOOD ROAD, BUILDING 1, FLOOR 9
BETHESDA, MD 20889-5628

JUL 28 2016

Dr. Remington Nevin
MuckRock
DEPT MR 22301
PO Box 55819
Boston, MA 02205-5819

Re: Freedom of Information Act (FOIA) Appeals 2016

Dear Dr. Nevin:

I acknowledge receipt of your FOIA appeals. The appeals relate to FOIA requests filed with the Defense Health Agency (DHA) Privacy and Civil Liberties Office. Upon receipt of an appeal, I contacted the office to ask them for additional information and revisit the possibility of producing responsive information. Your requests and the responses are set out below. Please send me clarification if I have misunderstood any of the requests.

- a) 2016-006 Appeal received February 25, 2016; April 29 and May 24, 2016 (letters claiming constructive denial); Appeal of partial denial received May 6, 2016

Request: All requests for analysis (dated from January 1, 1998 through the date of processing of this request) recorded in the Defense Medical Surveillance System (DMSS) "request manager" application (or any related tracking system maintained by the Armed Forces Surveillance Center) to specifically include the request tracking number, date of request, requestor, title of request, and the request instructions.

Response dated January 26, 2016: The request was denied. After a thorough search and review with the program office, DHA determined the request lacks the specificity required. In addition, completing the request would place an administrative burden due to the volume of documents sought. A record has not been described with sufficient particularity to enable the Armed Forces Health Surveillance Center (AFHSC) to locate it by conducting a reasonable search.

Response on or about April 20, 2016: DHA replied "...information is being released in its entirety, with the exception of the request instructions. These instructions are generally 1-2 pages; multiplied by the 9,000+ projects [sic] listed in the attached report would make this request too onerous and voluminous." The released EXCEL spreadsheet contains 8,866 data rows (lead by a header row) containing only the request tracking number, date of request, requestor, and title of request.

- b) 2016-007 Appeal received February 19, 2016

Request: Any reports since January 1, 2007, including any work product archived in the

reports or correspondence released to internal DoD or external non-DoD customers, listing the number of serum specimens obtained from the spouses and child beneficiaries of military personnel, stored in the DoD Serum Repository (DoDSR) at the time of the analysis, report, or correspondence, to include any work product, report, or correspondence released to RAND in support of their research published as 'Harnessing Full Value from the DoD Serum Repository and the defense Medical Surveillance System' (2010).

Response: After a thorough search and review with the program office, it was determined that your request lacks the specificity required. In addition, completing the request would place an administrative burden due to the volume of documents sought. A record has not been described with sufficient particularity to enable the AFHSC to locate it by conducting a reasonable search.

c) 2016-008 Appeal received February 19, 2016; June 1, 2016 (2 copies)

Request : All internal [Armed Forces Health Surveillance Center [AFHSC]] and external DoD and non-DoD request for analysis related to use of, or health effects related to use of, the drug Mefloquine, received or processed by the [AFHSC], from January 1, 2012 to July 1, 2014, as recorded in the 'request manager' or a related tracking system to include the results of any such analysis produced for AFHSC and external DoD and non-DoD customers as a result of such request."

Response: This request was denied on grounds of FOIA exemption (b)(5) due to being internal records that are deliberative in nature and part of the decision-making process, containing opinions and recommendations. The general purpose of the exemption under 5 USC 552 is to prevent injury to the quality of agency decisions by: (1) encouraging open, frank discussions on matters of policy between subordinates and superiors; (2) protecting against premature disclosure of proposed policies before they are actually adopted; and (3) protecting against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

d) 2016-009 Appeal received March 7, 2016, June 1, 2016

Request: All documents produced from September 2013 to July 2014 by the Armed Forces Health Surveillance Center related to the Health Effects of Mefloquine use within DoD, to include the report referenced in multiple news reports as being in preparation as of September 2013, and expected to be completed by January 2014. Minutes from all 'Epi-Chiefs' teleconference meetings hosted by the Armed Forces Health Surveillance Center (AFHSC) from July 1, 2012 to the date of processing this request (i.e. February 19, 2016) which reference the antimalarial drug Mefloquine (also known as Lariam).

Response: This request was denied on grounds of FOIA exemption (b)(5) due to being internal records that are deliberative in nature and part of the decision-making process, containing opinions and recommendations. The general purpose of the exemption under 5 USC 552 is to prevent injury to the quality of agency decisions by: (1) encouraging open, frank discussions on matters of policy between subordinates and superiors; (2) protecting

against premature disclosure of proposed policies before they are actually adopted; and (3) protecting against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

e) 2016-010 Appeal received February 19, 2016, June 1, 2016

Request: Minutes from all 'Epi-Chiefs' teleconference meetings hosted by the Armed Forces Health Surveillance Center (AFHSC) from July 1, 2012 to the date of processing this request (i.e. February 19, 2016) which reference the antimalarial drug Mefloquine (also known as Lariam)".

Response: This request was denied on grounds of FOIA exemption (b)(5) due to being internal records that are deliberative in nature and part of the decision-making process, containing opinions and recommendations. The general purpose of the exemption under 5 USC 552 is to prevent injury to the quality of agency decisions by: (1) encouraging open, frank discussions on matters of policy between subordinates and superiors; (2) protecting against premature disclosure of proposed policies before they are actually adopted; and (3) protecting against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

f) 2016-064 Appeal received April 24, 2016, June 1, 2016

Request: An unredacted copy of the undated presentation titled "Neuropsychiatric Adverse Events Following Mefloquine Exposure," authored by the Senior Managing Epidemiologist, division of Epidemiology & Analysis, Armed Forces Health Surveillance Center (AFHSC), which was sent by email from the official account of Dr. Eick-Cost of AFHSC on August 1, 2014 [. .]

Response: This request was denied on grounds of FOIA exemption (b)(5) due to being internal records that are deliberative in nature and part of the decision-making process, containing opinions and recommendations. The general purpose of the exemption under 5 USC 552 is to prevent injury to the quality of agency decisions by: (1) encouraging open, frank discussions on matters of policy between subordinates and superiors; (2) protecting against premature disclosure of proposed policies before they are actually adopted; and (3) protecting against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

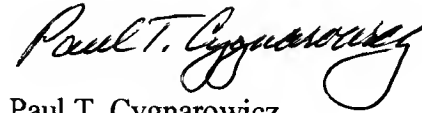
g) 2016-096 Appeal received June 24, 2016

Request: All processing notes for FOIA Control Numbers 2016-007, 2016-008, 2016009 and 2016-010, used by DHA including email correspondence between staff at DHA and AFHSC/AFHSB and other documents related to processing of the request(s).

Response: On May 24, 2016, "The information responsive to this inquiry regarding the processing of these FOIAs is being released in its entirety. Please note that 2016-007 has recently been reprocessed and 2016-008 and 2016-009 are currently being reprocessed."

The requests remain under review. If you have any questions, please contact me at paul.t.cygnarowicz.civ@mail.mil.

Sincerely,

A handwritten signature in black ink, reading "Paul T. Cygnarowicz". The signature is fluid and cursive, with the first name "Paul" and last name "Cygnarowicz" clearly legible.

Paul T. Cygnarowicz
Deputy General Counsel
Defense Health Agency